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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. MJ 08-583
09 Plaintiff,)
10 v.)
11 JOSEPH RICHARD KALAC,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Possession of Cocaine, with Intent to Distribute; Possession of a Firearm
15 during a Drug Trafficking Crime; Felon in Possession of a Firearm

16 Date of Detention Hearing: January 8, 2009

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably assure
20 the appearance of defendant as required and the safety of other persons and the community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. Defendant has a lengthy criminal history with multiple failures to appear and bench
04 warrant activity. Although he recently completed inpatient drug treatment, he has a history of
05 treatment and relapse. He is associated with four alias names, three Social Security numbers and
06 two dates of birth. The alleged firearm use associated with the instant charges would indicate, if
07 proven, an escalation in the nature of defendant's criminal history.

08 3. Defendant poses a risk of nonappearance based on previous failures to appear and
09 failures to abide by court orders, a history of substance abuse and association with multiple
10 personal identifiers. He poses a risk of danger due based on criminal history and the nature of the
11 instant offense.

12 4. Taken as a whole, the record does not effectively rebut the presumption that no
13 condition or combination of conditions will reasonably assure the appearance of the defendant as
14 required and the safety of the community.

15 It is therefore ORDERED:

16 (1) Defendant shall be detained pending trial and committed to the custody of the
17 Attorney General for confinement in a correction facility separate, to the extent
18 practicable, from persons awaiting or serving sentences or being held in custody
19 pending appeal;

20 (2) Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;

22 (3) On order of a court of the United States or on request of an attorney for the

01 Government, the person in charge of the corrections facility in which defendant is
02 confined shall deliver the defendant to a United States Marshal for the purpose of
03 an appearance in connection with a court proceeding; and

- 04 (4) The clerk shall direct copies of this Order to counsel for the United States, to
05 counsel for the defendant, to the United States Marshal, and to the United States
06 Pretrial Services Officer.

07 DATED this 8th day of January, 2009.

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09 Mary Alice Theiler
10 United States Magistrate Judge
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